

Committee of Thirteen Report

November 13, 2007

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, November 13, 2007 at 6:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

11 JPs Present:	Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Stephenson, Winscott, Wolf, Wozniak
1 Absent:	Summers
Others Present:	County Judge Gary Black, Sheriff Keith Ferguson, Coroner Wesley Lewis, County Attorney Robin Green, Travis Harp, Richard McComas, Barbara Ludwig, Jim Ecker, Dennis Cottrell, Jeff Hawkins, Chief Don Townsend, Major Gene Drake
Media:	Jennifer Turner – Daily Record, Scarlet Simms – Morning News

In the absence of Chair Tim Summers, JP Kurt Moore called the meeting to order.

PUBLIC COMMENTS:

Robert Kossieck spoke against the proposed unsanitary conditions ordinance, citing several state statutes.

Connie Henry read a letter from Beaver Shores P.O.A. President Tom Jones in support of the unsanitary conditions ordinance.

Sue Elverston spoke against the proposed unsanitary conditions ordinance, noting concerns about the 10-acre limitation.

Margo Hill spoke in favor of the proposed unsanitary conditions ordinance on behalf of residents of Hickory Creek.

Gary Finnegan spoke against the proposed unsanitary conditions ordinance, noting that citizens should be responsible for their own welfare and that the term “unsightly” is subjective.

James Gately stated that decisions should not be made based on who is most vocal, but what is in the best interest of the citizens of the county. He added that battling within the county is unproductive, and all stakeholders should work together to find common ground in order to make the county the best place to live that it can be.

Reverend David LeSieur, representing the St. Vincent DePaul Catholic Church and School, spoke against the sale of St. Mary’s to the county for use as a JDC, Juvenile Court and Juvenile Probation offices, stating that they acknowledged the need for the facilities, but they are concerned about the element that will be attracted to the area because of the proposed facilities, and citing the number of children in the school and the number of parishioners who attend the various activities at the church.

John Deneffe spoke against the St. Mary's proposal, stating that it does not appear to be financially feasible, but his main concern is the decline in property values. He stated that they spent a lot of money on the St. Vincent facility to provide a nice Christian environment, but they will not be able to send their children to the private school if pedophiles and juveniles who are in trouble are allowed to walk by daily, and they are ignoring laws which set the distances that these people have to stay from schools.

Sam Rogers spoke against the St. Mary's proposal due to a concern about property values.

Patrick Wiensch spoke against the St. Mary's proposal stating that the location is inconsistent with the needs of the county, will impact property values, and listed several schools that are within a mile and a half of the location. He added that the group that is opposing the project understands the need to expand the facility, is very motivated, and if the Quorum Court decides to look at a bond issue, he feels the group would be very supportive.

Paula Shophner spoke against the St. Mary's proposal, stating that having this facility across the parking lot will be unsafe for the students at the school, and that the element going in and out of the building will spill over into their parking lot, resulting in people drinking, smoking, and doing drugs on the church property.

Kenneth Lepp spoke against the St. Mary's proposal, stating that is not fiscally responsible due to the high monthly operating costs of the building, including utility bills of \$15,000 to \$50,000 per month. He also spoke against the sale of the County Road location on Highway 102, stating that it was intended for a court complex, and the county will not be able to buy land at an affordable price in the future to replace it.

NEW BUSINESS:

1. Discussion: Ordinance Conferring Authority to Regulate Unsanitary Conditions

JP Moore stated that at this time, discussion will be limited to the two changes that were made to the ordinance by County Attorney Robin Green, and any other questions should wait until the special Quorum Court meeting to follow.

Robin Green explained that she was asked to incorporate A.C.A. 14-14-813 into a county ordinance so that the county's Environmental officers could enforce it. She explained that the language is taken nearly verbatim from the Arkansas Code, with the addition of the authorization of the Director of Environmental Services and the Environmental Officers to enforce the regulations, and the addition of language stating that the Director of Environmental Services must authorize the razing of any structures. She said these regulations are currently on the books, and the county could be enforcing them right now, but this ordinance gives the enforcement authority to the Environmental Services department.

JP Stephenson asked who requested the most recent changes. County Attorney Robin Green stated that JP Moore made the request. JP Moore stated that he requested the change for discussion purposes. Robin Green stated that the change in title was at the request of a group of citizens, to more accurately reflect the content of the ordinance.

JP Wozniak asked the County Attorney if she was satisfied that this is a defensible ordinance. Robin Green stated that she is very comfortable with the ordinance. She said she understood Mr. Kossieck's comment concerning the county's inability to enforce regulations that the state has declared criminal, but the section of state law upon which the ordinance is based specifically states that the county has the authority to enforce it. She said the code section he is referring to means that the county cannot take state statutes, such as D.U.I. laws, and make them more

stringent within the county, and that is not what this ordinance will do. She said that law enforcement will not be involved, the Prosecuting Attorney will not be involved, and so this is a civil, not criminal, matter.

JP Winscott asked County Attorney Robin Green if she could comment on the terms “unsightly, and “unsanitary”, and the comments made regarding the definitions. Robin Green stated that she agreed that they are ambiguous terms, but that they are taken directly from the state statute, and the same words are used in state statutes which give cities the authority to raze structures. She said that a person facing demolition of their property could obtain an injunction, and then it would be up to the courts to decide on the definition.

JP Hubbard stated that he does not think they need the ordinance because the regulations are already in the state statutes. JP Moore stated that this discussion is supposed to be limited to the most recent changes. JP Hubbard stated that he knows what it is, and he is talking about the entire ordinance, and they can already enforce it through the Sheriff’s department. He said that they should just leave it a state statute, and questions have already come up about if they can defend it in court, and about “unsightly” and “unsanitary”, so why don’t they just leave it up to the state legislators. He said if situations arise, they can contact the County Sheriff.

JP Stephenson stated that he agrees with that line of logic, but there is a problem in the county in that no one is doing anything— neither the Environmental Department nor the Sheriff’s Department. JP Hubbard stated that they should just tell them that they want them to enforce it. JP Stephenson questioned telling the Sheriff what to do. JP Hubbard asked JP Stephenson if he thought adopting the ordinance and putting it under Jim Ecker’s office would be some great fix, and he just cannot see that happening.

JP Glass stated that he does not know if the question is that the Sheriff has been given the opportunity to enforce these regulations but has never exercised it, and perhaps the Sheriff’s department could bring about some action where they have not seen action by a department that has been funded for a lot of years. He said he does not know the validity of the numbers presented by Mr. Kossieck, but if they bear out, \$12,000 per citation based on 33 citations written during the year, the economies just aren’t there. He said that he wonders if they wouldn’t be better served by having law enforcement perform the duties, since questions have been raised about the environmental officers carrying guns. He said that it might be a good idea to look at the Environmental Department’s budget, since they are about to enter into the budget debate. He added that perhaps the Sheriff could have certain deputies designated as “E”- men to handle the environmental issues.

JP Stephenson stated that he agrees with the previous comments, and based on what he has read in the newspapers regarding the lack of action by the Environmental Department, and his own personal experience with the Carousel Mobile Home Park situation where he could not get them to do anything, he thinks there are some problems there and the time has come that they either need to perform or be replaced.

JP Hubbard stated that from a cost standpoint, he would like to see discussion leading toward having the entire Environmental Department operated from the Sheriff’s Department, since they keep talking about officers and carrying guns, and it seems that they are operating two police forces. He said that he has talked to the Sheriff about this a little bit, but he has not had time to get his responses yet. He said it looks like they are getting ready to spend a lot of money that they do not have, and in looking at some of these departments, maybe consolidating some of them would be a good way of cutting some costs. He said he has not put the numbers together,

but it seems that they could move that department to the Sheriff's office and cut our budget in half, because they would not need a facility, and they already have the cars and officers. He said the Sheriff would probably need more staff, such as an administrator, and there would be some additional education to train the deputies for a dual purpose.

JP Winscott stated that the Finance Committee should look at folding the Environmental Department into the Sheriff's Department to see if there are some real cost savings there. He added that this is a separate issue and they are getting off the subject. JP Hobbs concurred that the previous statements are very logical, and she would like to hear from the Sheriff on this issue. She said that in the meantime, she would like to ask those in support of the ordinance to call the Sheriff's office with their complaints since the regulations are already a state law, and she believes that the Sheriff is obligated to enforce the state law. JP Glass stated that the ordinance becomes superfluous because the Sheriff can enforce it without an enabling ordinance, and if the Environmental Department is folded into the Sheriff's Department, they are already empowered under state law to enforce it. JP Winscott stated that he has heard a rumor that the Sheriff has said that he does not have the manpower to enforce it, but he believes the Sheriff took an oath to enforce all of the laws in Arkansas. JP Glass stated that they are looking at a department in which the expenditures are over \$400,000, and they could theoretically lessen that burden on taxpayers by funding the officers under the Sheriff. JP Hill stated that even if they did fold in, they would still be looking at a higher cost to have officers specially trained in environmental enforcement. JP Glass stated that they have officers that are already trained, and the intention is not to discard them, but they could be moved over under the Sheriff, because the elected office would be more responsive, and they could cut a lot of money out.

JP Hubbard stated that he wanted to repeat the he does not see the need for this ordinance, and it looks like just another ordinance on the books going to an office that he has doubts about, and the discussion keeps leaning back to the Sheriff's Department enforcing it because it is already a law, and then if they have trouble later, they can come back and take another look at it.

JP Stephenson asked where they are on this ordinance, because they have just talked about it, and that is all that they ever do. JP Moore stated that the purpose of the Special Quorum Court meeting which will follow this one is to take action on the ordinance. JP Glass asked if they need to vote to move it forward to the Quorum Court. JP Wolf stated that it needs to be forwarded to the Quorum Court. JP Moore asked if the Committee of Thirteen would like to vote on whether to place the ordinance on the Quorum Court agenda to follow. JP Stephenson stated that there is no need for that because that is what the special meeting is for. JP Moore agreed.

2. Report: Hight-Jackson Feasibility Study – St. Mary's Hospital

Larry Perkin of Hight-Jackson presented the feasibility study on renovating the St. Mary's Hospital building into a Juvenile Detention Center. He led the Committee through the contents of the report, including the Budget Summary, Hazardous Materials Report, Floor Plans, and the Due Diligence Report for security, the roof, food services, mechanical systems, finishes, and codes. He said the report states that it is feasible to put the JDC in the St. Mary's Hospital building at a cost of slightly less than \$4 million. He said that the county has granted a variance so that sprinkler systems will not be required throughout the entire building, but if the City of Rogers does not grant the same variance, it will cost an additional \$1 million. He said the focus of the work is on the 3rd floor, and the capacity for Phase I will be 39 juveniles, and the eventual

capacity will be 57. He said work on the 1st floor will include the sally port, a secure hallway, and secured elevators leading to the 3rd floor. The Committee reviewed drawings of the proposed floor plans, which Larry Perkin noted were done in accordance with state juvenile detention standards. He noted locations of the security cameras, and the outside activity area which would be surrounded with a 20 foot wall. He said the outside of the building's appearance will not change, and they will be installing frosted glass which will allow light to come in, but people will not be visible from the outside. He said there will be no razor wire on the top of the wall surrounding the activity area due to its height. He said that the 1964 roof needs to be replaced, and the other roofs need maintenance, and will probably need to eventually be replaced.

Larry Perkin stated that they can reduce the utility costs from \$4.50 per square foot to \$3.50 per square foot by replacing and utilizing the middle size cooling unit, and they will install shut off valves in the plumbing system so that the toilets cannot be stopped up by the juveniles. He said that the finishes will all be durable to protect the building and the detainees.

JP Winscott asked the 10% contingency built in to the estimate should be higher, perhaps 20% to 25%, because renovations often encounter unexpected expenses. Larry Perkin stated that was true, but they are comfortable with the 10% estimate, because they took enough time to study the building. JP Winscott asked about the condition of the underground diesel storage tanks. Larry Perkin stated that he did not have any information other than it was not noted as a risk in the report that was done for St. Mary's. JP Winscott asked if they had any reason to believe there had been any mercury spills on the site. Larry Perkins stated that he did not. JP Glass asked about the asbestos abatement. Larry Perkin stated that it was very minimal and focused mainly on the pipes. JP Hubbard asked if the \$200,000 in the budget was to replace only the 1964 roof, and how long they expected it to take. He also asked if they had estimated a cost per year to keep up with maintenance on the other roofs. Larry Perkin stated that the roof report states that the 1994 roof will need to be replaced in approximately 8 to 10 years, which will cost about \$10 to \$12 per square foot at today's costs. JP Wolf asked about leaks in the roofs. Larry Perkin stated that they are not aware of any major leaks in the roofs, and St. Mary's did not report any. JP Wolf stated that they have been told that there was major leaking in the lobby. Larry Perkin stated that they were not aware of that problem, and it may be part of the 1964 roof that needs to be replaced. JP Moore noted that the leak was reportedly in the skylight over the lobby.

JP Hobbs asked if the study is only for the JDC moving into the 3rd floor. Larry Perkin stated that it is. JP Wolf asked for clarification of the fact that the \$4 million is only for the cost of renovating the 3rd floor. Larry Perkin stated that is correct, but also includes the work that will be needed on the 1st floor—the sally port, the hallway, the secured elevators, and the outside activity area. JP Hubbard noted that if the City of Rogers does not agree with the county planning department, they will have to add another \$1 million, plus the additional 10% contingency that JP Winscott mentioned, which will raise it to almost \$5.4 million. JP Stephenson stated that they will also have to add a 6% architectural fee. JP Hubbard stated that there will be engineering fees. Larry Perkin stated that mechanical, structural, and electrical engineering fees are included in the architect's 6%, unless they have to call in any specialty consultants, which he does not anticipate being necessary.

Larry Perkin noted that a new 40,000 square foot facility would cost approximately \$11 to \$12 million, in addition to the purchase of the site, and replacing the entire 255,000 square foot building with a new facility would cost approximately \$40 million to \$45 million. JP Winscott

stated that he wanted to be clear that they are only talking about the cost of the JDC and no other renovations. Larry Perkin stated that only the cost of the roof and the mechanical budget would eventually apply to other areas of the building.

3. Update on St. Mary's Hospital Proposal

George Flynn, CEO of Mercy Health Systems – Northwest Arkansas, stated that he would like to share some information from Mercy Health regarding the proposed sale of the existing campus to Benton County, and to address some of the concerns that have been expressed since the letter of intent was signed. He said that prior to the letter of intent being signed, Mercy requested a list of proposed services that would be provided at the site. He said the list was provided and shared with officials of the St. Vincent DePaul Church, and they have since received many emails and letters, mostly in regard to the facility's use as a JDC. He said that Mercy would like to make some suggestions to help mitigate some of those concerns, as well as those of County officials concerning the cost of the project.

He said that they would propose reducing the size of the footprint of the project by retaining the section of the campus that fronts Poplar Street and runs along 13th street to where the ambulance entrance currently is located. He said that will reduce the cost of acquisition to the county, and will create a buffer between the commercial area surrounding the hospital to the north along Walton and the neighborhood to the south along Poplar. He said that they would request that the county limit all entrance and exit to the facility to the east and northeast sides, which will eliminate access or traffic into the building from 13th Street or Poplar Street, and would require the relocation of the sally port from what is currently the convent parking lot back to the circular ambulance entrance to the emergency room. He said that Mercy would retain the property along Poplar to the east edge of the property which is almost to 12th Street, remove all of the structures presently located on it, and return it to green space. He said they would agree to restrict its use for an agreed upon period of time and install barrier landscaping along the shared property line. He said that Mercy's interest is to find a use for the facility that would be for public good, and while proceeds from the sale would be nice to help offset the cost of the new campus, that is not the overriding concern; the overriding concern is finding a good use for the facility so that it will not be left vacant and subject to vandalism and vagrancy. He said Mercy is willing to work with the county to help make improvements that would make it functional for whatever use the county determines, but also to help alleviate the concerns of the church and other neighbors. The Committee viewed a drawing of the proposed changes to the site.

George Flynn stated that he would like to ask that before a decision is made, some joint discussion sessions be convened between Mercy, the church, county officials, the City of Rogers, and the neighbors, to see if a solution that would work for all parties could be reached. He said that Mercy is obviously very concerned about safety, he has seen the plans, and they seem secure. He said the last thing they want to see is a vacant building, and it has been a well-maintained facility, so they hope that it can be put to good public use.

JP Wolf asked if the earnest money period will be extended if they decide to continue discussions. George Flynn stated that Mercy would be more than willing to extend the due diligence period beyond the original 90 days. JP Winscott asked who would be responsible for maintenance of the green space area behind the facility. George Flynn stated that they would retain ownership, and maintain it for some agreed upon period of time, and that would be part of the discussions. JP Wolf asked what the difference in the sale price would be. George Flynn

stated that he could not say tonight what that difference would be, but it would obviously be significantly less than what it is currently, because that is a substantial amount of property that would not be part of the sale.

The Committee meeting resumed following a 10-minute recess.

JP Moore stated that the deadline for consideration of the St. Mary's proposal has been extended from November 19th to December 3rd. JP Glass stated that the people from the church and neighborhood are waiting to see if some meeting has been scheduled to discuss the proposal. JP Glass made motion that members of the Quorum Court hold a joint meeting as soon as it can be scheduled, with members of the Mercy Health System, with an open invitation to the community, specifically members of the St. Vincent DePaul church, in order to discuss in more detail the proposals presented tonight, seconded by JP Wolf. JP Hubbard stated that he would like to see the price of purchasing less property before the meeting, because right now he is opposed to the purchase. JP Wolf stated that any information they can get prior to the meeting would be good, but she assumes that is what they are going to discuss at the meeting.

JP Hobbs stated that the Quorum Court has been accused of dragging things out, and maybe it is legitimate to wait; however after hearing from the patrons of St. Vincent's who are near the hospital, she is prepared to make a decision tonight. JP Glass withdrew his motion, JP Wolf withdrew the second.

JP Brown stated that the hospital is in his district, and he has had such an overwhelming response to this from the people he represents, that even if they give the building to the county, he is voting "no" no matter what.

JP Moore stated that if there was any more applause, he would ask the Sheriff's Deputy to escort people out. JP Brown stated that he will vote "no" on any motions that are made, because he does not think it is practical, it is not feasible, and it is obviously going to disrupt the neighborhood. He added that he lives two blocks from it, and although he does not have a problem with it, he does not have children going to school at St. Vincent's. He said that his constituents do not want it.

JP Hobbs made motion that they forward to the Quorum Court a recommendation that they decline the St. Mary's proposal, seconded by JP Hubbard. JP Wozniak stated that it does not have to go the Quorum Court. JP Stephenson stated that they cannot conduct business of the county at a Committee of Thirteen meeting. JP Glass suggested that they move the item to the special Quorum Court meeting scheduled following the Committee meeting. JP Moore stated that he does not think they can add items to that agenda. JP Hubbard stated that they can add it at the meeting. County Attorney Robin Green stated that she is not certain, but if no action was officially taken to enter into a contract, she does not think that any other official action by the Quorum Court is necessary other than a vote of the Committee of Thirteen. JP Harrison stated that the purpose of the Committee of Thirteen is to move things forward to the Quorum Court, or not, and if they vote not to forward it, it will end here. JP Hobbs withdrew the motion, JP Hubbard withdrew the second. JP Hobbs made motion to decline the St. Mary's proposal, seconded by JP Hubbard. JP Winscott made a friendly amendment to terminate all negotiations with St. Mary's Hospital, and any party representing the hospital. JP Hobbs stated it would be acceptable to her if it is acceptable to the County Attorney, because she does not think they can prevent St. Mary's from coming back with another proposal. County Attorney Robin Green

stated that she did not see any problem with a motion to cease all negotiations if that is the will of the Quorum Court. JP Moore requested a roll call vote. Motion to decline the St. Mary's proposal passed by a unanimous roll call vote—10 yeas, 2 absent.

4. Presentation: Regional Mobility Authority

Assistant County Administrator Travis Harp introduced Scott Van Laningham and Mike Malone, Executive Director of the Northwest Arkansas Council, who presented information on the formation of a Regional Mobility Authority in Northwest Arkansas.

Mike Malone cited Northwest Arkansas' successful record of working together well as a region on projects such as the Beaver Dam and the Northwest Arkansas Regional Airport. He gave an overview of some needed highway projects in the region, and the related funding shortfalls. He said voters in the cities have done a good job in supporting funding for city-specific projects in the form of bond issues. He said that the Arkansas Highway Department can help fund projects in partnership with local funding, but large multi-lane projects which spread across more than one county or cross jurisdictions are getting more difficult for the Highway Department to fund. He explained that the state and federal taxes collected on gasoline have not kept up with construction costs and growing needs, and the state of Arkansas has almost as many highway miles as California. He said that one possible solution is to form a Regional Mobility Authority. Scott Van Laningham stated that they have spoken with the Washington County Quorum Court, and that it makes sense for the two counties to form a Regional Mobility Authority to address some of the funding issues they are facing. He explained the enabling legislation which grants the authority to form RMAs, and the requirements for membership of the board. He said it is a public entity, and must be made up of at least 5 members, appointed by the County Judges and mayors, or their designated representative, and their terms on the board end when the appointing official leaves office. He said that was because the legislators were adamant that there be local accountability. He explained the functions and authority of the RMA, which include the power to build, operate, and maintain roads, which will be public roads, issue bonds for which only the RMA is responsible, and as a public entity have the power of eminent domain. He said that the most recent legislation included language that it could only be used for public purposes. He said that any sales tax or vehicle registration fees proposed would have to go to a vote of the people. He said that the Northwest Arkansas Council is recommending that the Quorum Court adopt an ordinance forming a Regional Mobility Authority in partnership with Washington County. There was discussion regarding elections, the makeup of the board, and the state statutes relating to RMAs. JP Wolf expressed concern that if Northwest Arkansas produces its own funding, then the Federal and State highway dollars will be reduced. Mike Malone stated that the Arkansas Highway Department will still have a commissioner fighting for all of the dollars they can to bring back to the region, along with Congressman Boozman on the Federal Highway Authorizing Committee which doles out Federal money.

5. Approval of 2007 Budget Adjustments

- a. Department 23 – Non-Departmental/Maintenance
- b. Department 25 – County Health Department
- c. Department 44 – County Road
- d. Department 05 – Sheriff

Comptroller Richard McComas explained that the Non-Departmental Maintenance adjustment is in the amount of \$21,000 for a new Heating and Air unit in the courthouse which was already in the 2008 budget, but which they need to go ahead and replace now.

He said that the Health Department is going to move \$6,200 from the Rent account to purchase a card reader entry system and to upgrade their telephone system, and the County Road Department is requesting to move monies from one line item to the other in their capital account to purchase a used dozer for \$12,500 from Federal Surplus if they are able to determine that it is operable. Richard McComas stated that they will need an additional appropriation in the Sheriff's Department of approximately \$150,000 to cover overtime costs and some other items. JP Hobbs made motion to approve the requested budget adjustments and to include them in the 2007 budget adjustment ordinance, seconded by JP Stephenson. Motion passed by unanimous show of hands vote.

6. Resolution Request: 2007 Wage Adjustments for Various Positions

JP Stephenson made motion to approve and forward the resolution to the November 29, 2007 Quorum Court agenda, seconded by JP Wolf. JP Stephenson stated that this has been through the Personnel Committee and the Finance Committee, and it is making adjustments in pay rates for reasons of internal equity and market equity. Motion passed by unanimous show of hands vote.

7. Resolution Request: Schedule 4 Changes for 2008 Budget

JP Stephenson made motion to approve and forward the resolution to the November 29, 2007 Quorum Court agenda, seconded by JP Wolf. JP Stephenson stated that this has also been through Personnel and Finance, where it was approved, but this will leave documentation of the changes that were made in the number of positions and some salary grades in Schedule 4 during the budget process this year. Motion passed by unanimous show of hands vote.

8. Ordinance Request: 2008 Budget

JP Wolf made motion to forward the ordinance to the November 29, 2007 Quorum Court agenda, seconded by JP Wozniak. Richard McComas stated that everyone has received their budget books, and he has hopefully answered any questions that they had. Motion passed by unanimous show of hands vote.

9. Resolution Request: 2008 Tax Levy

JP Wozniak made motion to forward the ordinance to the November 29, 2007 Quorum Court agenda, seconded by JP Winscott. County Clerk Mary Lou Slinkard explained that the Quorum Court by law must set the millage rate for County General and County Road, which will be included on the Tax Levy Ordinance along with the millage rates requested by all of the taxing entities in Benton County. She said that she will then use that millage rate to calculate rollback. JP Hobbs asked if the current rate is 4.9. Mary Lou Slinkard stated that it is, because the millage rate was set at 5.0 last year, and rolled back to 4.9. JP Wolf stated that they are basically saying that they are not raising the millage. Motion passed by unanimous show of hands vote.

10. Ordinance Request: Changing the Rate of Pay for Jury Service

JP Stephenson made motion to forward the ordinance to the November 29, 2007 Quorum Court agenda, seconded by JP Hubbard. JP Stephenson stated that this ordinance will bring the rate of pay for jurors into compliance with state law. County Clerk Mary Lou Slinkard stated that it also authorizes the Circuit Clerk to apply to the state for reimbursement on behalf of the county. Motion passed by unanimous show of hands vote.

JP Winscott stated that he will postpone his presentation on illustrating the value of a long range plan and how to develop one until the next Quorum Court meeting.

OTHER BUSINESS:

JP Hobbs requested that County Attorney Robin Green find out for sure that there is no action required by the Quorum Court to decline the St. Mary's proposal.

ANNOUNCEMENTS:

None

PUBLIC COMMENTS:

Tommy Lewis stated that he is not opposed to something that would take care of an unsanitary sewer system, but is concerned about the word "unsightly" and is in favor of letting the Sheriff's Department enforce state laws.

Joel Jones stated that the public should get complete packets of all of the agenda items prior to the meetings, public comment rules should be more relaxed, and disagreed with the County Attorney's opinion that violations of the sanitary conditions ordinance are civil, not criminal. Brenda Parcells stated that if the problem is unsanitary conditions, then it should not matter if they are visible from a road or not, and that calling a special Quorum Court meeting tonight is underhanded and sneaky.

Don Day suggested that they adjourn.

Lane Gurel spoke in favor of the proposed sanitary conditions ordinance, stating that the County Attorney has been clear about the matter being civil and not criminal, the Sheriff's Department should be allowed to continue handling crime and not sifting through garbage, and enforcement will cost more, but they should ask themselves how much the health and safety of their citizens is worth

Jeff Wyant spoke against the sanitary conditions ordinance, said it was an abomination, that anyone with a difference of opinion on what is unsightly will call and make a complaint, and asked the committee to make it go away like they did the St. Mary's hospital issue.

After motion and second the meeting was adjourned at 9:15 p.m.